

# LANCASTER COUNTY CORRECTIONS

## TORT CLAIM FORM

FILED

INSTRUCTIONS: Explain all details and facts relating to your claim; how your alleged loss occurred, where it occurred, and when it occurred. List any witnesses (staff or inmates) and how you claim the department or employee was negligent. Place the original in an envelope addressed to the Department Director and give the envelope to a staff member who will forward it to the Director's office for investigation. Your claim will then be submitted to the Lancaster County Board for consideration. You will be notified of the Board's action so it is important that you provide your forwarding address & phone number.

Your Name: Stark Alyssa Phone #: \_\_\_\_\_  
Last First MI

Address: \_\_\_\_\_  
Street City State Zip Code

Date/Time of Loss: \_\_\_\_\_ Location of loss: \_\_\_\_\_

Amount & Type of Claim: Amount \$ 4.80 ☒ Lost Property ☐ Damaged Property ☐ Other

Explain Your Claim:

(attach additional sheets if necessary)

my items that were in my tote during  
the time of my DS. I have not gotten my  
hygiene items returned to me!

The items in my container were - shampoo VO5,  
conditioner VO5, Colgate toothpaste, and a toothbrush

Please can I be reimbursed or my items returned  
soon!

Your Signature: Alyssa Stark Date: 3-18-09

The following will be completed by staff

Staff Issuing Tort Claim

Date & Time: 3/18/9 PSN: 5021

Director's Office

Date Rec'd: 3-19-09 Control # JT09-14

LANCASTER COUNTY CORRECTIONS DEPARTMENT

TORT CLAIM RECOMMENDATION FORM

NAME OF PERSON FILING TORT CLAIM: Alyssa Stark

CONTROL NUMBER ASSIGNED: JT09-14

INVESTIGATIVE FINDINGS: The investigation found that the PSW located Ms. Stark's tub and there were no commissary items stored within it. No evidence was found to support the allegation that jail personnel were responsible for the loss of any hygiene items belonging to Ms. Stark. Denial of the tort claim is recommended.

DATE: 04/14/09

SIGNATURE:

Brenda L. L...

DIRECTOR'S FINDINGS: I concur with the investigation regarding Inmate Stark's claim. I recommend the Board disapprove her claim.

DIRECTOR'S RECOMMENDATION:

(CHECK ONE)

X

APPROVED FOR \$ \_\_\_\_\_

DISAPPROVED

CLAIM WITHDRAWN

DATE: 04/15/09

SIGNATURE:

Michael Thumber

DATE SUBMITTED TO COUNTY ATTORNEY'S OFFICE: 04/15/09

DISTRIBUTION: COUNTY CLERK (ORIGINAL)  
PERMANENT TORT FILE (DOC)  
JAIL ADMINISTRATORS

## INTER-DEPARTMENT COMMUNICATION

TO	Brenda Fisher	DATE	April 10, 2009
DEPARTMENT	Program Director	FROM	Steve Foree
ATTENTION		DEPARTMENT	Corrections Specialist
CARBONS TO		SUBJECT	Attached Tort Claim of Inmate Alyssa Stark, #JT09-14

On March 19, 2009, the Director's office received the attached claim from Inmate Stark upon which she made the following allegations.

1. Stark claimed that, on an unspecified date, some items that allegedly were in her "tote" "during the time of" her "DS," were not in the tote when the tote was returned after she had completed her disciplinary sanctions.

### Allegation 1

Disciplinary records showed Stark was on disciplinary segregation from March 3, 2009, to March 12, 2009. Stark was moved from segregation on March 13, 2009, and placed on B2 cell # 10. Stark, in her interview, stated that C.O. Curtis Schell and a female C.O. came to her cell after March 3 and informed her that they would have to remove her tote from her cell because she was on disciplinary segregation. Stark alleged that the tote contained, among other things, shampoo conditioner, toothpaste and a tooth brush. According to Stark, when her tote was taken, the tote had a lid on it and the officers did not lift the lid to check the contents before they removed the tote. Inspection of jail records failed to produce any evidence of a tub inventory sheet that is normally completed when an inmate's commissary items are removed due to disciplinary sanctions. Stark stated that she had not seen an inventory sheet. Stark could not identify who had returned a tub to her.

In an interview, C.O. Schell stated he had no recall of removing a "tub" from Inmate Stark.

Inspection commissary records showed that Stark did buy, on February 4, 2009, shampoo, conditioner, and a toothbrush. The records confirmed, however, that she did not purchase toothpaste until March 11, 2009, significantly after her tub had been removed for disciplinary sanctions.

PSW Hogan was interviewed. He said that he received a request form from Stark complaining that she was missing property that she said she should have received after she finished her disciplinary sanction. PSW Hogan said, when he talked with Stark, she complained about missing commissary food items. PSW Hogan said he went up to room 22 where the property tubs removed from inmates on disciplinary seg are placed. He said he found Stark's tub, however, the tub contained no commissary items at all. PSW Hogan further stated that he responded to the request form from Stark, stating that she could not have commissary items brought from LCF and, if she believed she was missing property, "you will have to file a claim as discussed with you earlier." The request form was dated March 15, 2009, two days after she returned to the B2 General population.

**Findings:**

1. The investigation found that, given the evidence available, the contents of Stark's tote could not be confirmed at the time it was removed for disciplinary reasons. A staff member stated, in an interview, that he found Stark's tote after her disciplinary sanction was completed and that his search of the tote revealed no commissary items whatever.

A handwritten signature in cursive script, appearing to read "Duane K. Hore". The signature is written in dark ink and is centered on the page.